

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

NATHAN JOHNSON,

Plaintiff,

v.

**T.J. COLLINS, B.J. COLE, J. PEA, and
STEVEN JOHNSON,**

Defendants.

)
)
)
)
)
)
)
)
)
)

No. 05-CV-140-WDS-DGW

ORDER

STIEHL, District Judge:

This matter is before the Court for docket control. The Court notes that its order (Doc. 31) adopting the magistrate's report and recommendation (Doc. 26) improperly granted summary judgment to defendants B.J. Cole and T.J. Johnson on plaintiff's retaliation claim. Accordingly, the Court, *sua sponte*, amends its memorandum and order of September 26, 2007 (Doc. 31) as follows:

The Court **OVERRULES** defendants' objections and **ADOPTS** the magistrate's report and recommendation. The Court **GRANTS** in part and **DENIES** in part defendants' motion for summary judgment. The Court **GRANTS** defendants' motion for summary judgment as to defendants **T.J. COLLINS, B.J. COLE,** and **STEVEN JOHNSON** on plaintiff's failure to protect claim. The Court **DENIES** defendants' motion for summary judgment as to **J. PEA** on plaintiff's failure to protect claim and **DENIES** defendants' motion for summary judgment as to defendants **J. PEA, T.J. COLLINS, B.J. COLE,** and **STEVEN JOHNSON** on plaintiff's retaliation claim. Plaintiff's claim against defendant **J. PEA** for failure to protect, and his claim against defendants **B.J. COLE, STEVEN JOHNSON, J. PEA,** and **T.J. COLLINS** for

retaliation are the only remaining claims.

IT IS SO ORDERED.

DATED: March 26, 2008

s/ WILLIAM D. STIEHL

District Judge